

REPORTER'S RECORD
VOLUME OF VOLUMES
TRIAL COURT CAUSE NO. DC-12-14350

LINDA BATISTE) IN THE DISTRICT COURT
)
)
vs.) DALLAS COUNTY, TEXAS
)
JOHN ROBERT MCNABB, M.D.,)
JOHNSON & JOHNSON, AND)
ETHICON, INC.) 95TH JUDICIAL DISTRICT

TRIAL ON THE MERITS

On the 24th day of March, 2014, the following proceedings came on to be held in the above-titled and numbered cause before the Honorable, Judge Ken Molberg Presiding, held in Dallas, Dallas County, Texas.

Proceedings reported by computerized stenotype machine.

Deana K. Savage
Official Court Reporter, 95th District Court
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1 product. The application of tension exacerbates this
2 issue. Let's talk about that for a second, Dr. Margolis.
3 What's the significance in 2003 of Dr. Weisberg
4 acknowledging that application of tension exacerbates
5 this inherent design problem?

6 A. Well, it's significant because we saw in the
7 video that when the tape is pulled through, there's
8 tension of -- being applied to the tape. The tape by
9 definition has tension on it, when it's deployed, when
10 it's put into the patient. Furthermore, there will be
11 tension on the tape after the patient goes home, so we
12 put -- they -- doctors put the tape in. There's tension
13 as it goes in.

14 Then you send the patient home, and she
15 starts walking -- as she walks, she moves around and the
16 tape starts getting pulled on, more tension.
17 Furthermore, as scarification occurs, scar comes in and
18 moves in and grabs on to the mesh and starts pulling on
19 it as well causing more tension, more tension. So more
20 tension equals more fraying, more particle loss and more
21 injury.

22 Q. All right. And so let's go on to the next
23 sentence. Quote, when the mesh frays, several events
24 occur. The mesh elongates in places. The mesh narrows
25 in places, and small particles of PROLENE might break

1 off. What is significant about that, Dr. Margolis?

2 A. Well, I mean, it's -- it's like if you take --
3 if you have a glass and you're going in the kitchen to
4 get some water and you drop the glass accidentally on the
5 floor and it shatters all over the floor and you've got
6 shards of glass all over the floor, that's a real
7 problem. If you plan on walking across the floor in bare
8 feet, the --

9 Q. All right.

10 A. -- more shards there are, particle loss, you
11 know, parts broken and shattered all over the place, the
12 more problematic it is, the more injury it occurs -- the
13 more injury it causes, the more inflammation it causes,
14 the more erosion it causes, the more pain it causes, the
15 more dyspareunia it causes. The more glass shards there
16 are, the more likely you are to get a very bad surprise
17 when you walk across that kitchen floor.

18 Q. And Dr. Weisberg goes on -- this is two years
19 later now from the first memo. Quote, there is no reason
20 to expect that the fraying of the mesh or the particles
21 generated would create any safety risks. Do you see
22 that?

23 A. I do.

24 Q. Does Dr. Weisberg cite any scientific basis for
25 making that statement?

1 THE STATE OF TEXAS

2 COUNTY OF DALLAS

3 I, SHARRON RODRIGUEZ RANKIN, Official Court
4 Reporter in and for the 160th Judicial District Court
5 of Dallas County, State of Texas, do hereby certify
6 that the above and foregoing contains a true and
7 correct transcription of all portions of evidence and
8 other proceedings requested in writing by counsel for
9 the parties to be included in this Volume of the
10 Reporter's Record in the above styled and numbered
11 cause, all of which occurred in open court and or in
12 chambers and were reported by me.

13 I further certify that this Reporter's Record of
14 the proceedings truly and correctly reflects the
15 exhibits, if any, admitted, tendered in an offer of
16 proof or offered into evidence.

17 WITNESS my official hand this the 25th day of
18 March, 2014.

19 /S/

20 SHARRON RODRIGUEZ RANKIN
21 Texas CSR 1082
22 Official Court Reporter
23 Expiration Date: 12-13-14
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